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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,088	01/27/2004	Louis J. Lundell	CS23263RL	2202

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EXAMINER

HAQ, MOHAMMAD AAMIR

ART UNIT PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/766,088	Applicant(s) LUNDELL ET AL.	
	Examiner Aamir Haq	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 5, 6, 9, 11 - 14, 16, 17, 19 and 23 - 26 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3, 13, 14, 16, 17, 19, 21 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 5, 6, 9, 11, 12, 23, 24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed 8/15/06. Claims 1 – 3, 5, 6, 9, 11 – 14, 16, 17, 19, 21, 23 - 26 are pending in the present application. Claims 2, 3, 13, 14, 16, 17, 19, 21 and 25 are withdrawn from consideration. **This action is made final.**

### ***Election/Restrictions***

2. Newly submitted claim 25 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 25 is parallel to original claim 2 which was part of the non-elected Specie 2 (specific keypad having light reactive material and its lighting).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 25 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by US 6,161,944 (Leman).

**As to claim 23**, Leman teaches a mobile communication device, comprising:

- a first housing (see fig. 3 and 4 of Leman);
- a hinge coupled to the first housing (see fig. 3 and 4 of Leman);
- a second housing coupled to the hinge (see fig. 3 and 4 of Leman);
- a mobile communication device numeric keypad coupled to the first housing, the mobile communication device numeric keypad having an external visible portion (see fig. 3 and 4 of Leman);
- a light source connected to the second housing, the light source configured to direct light substantially directly at the external visible portion of the mobile communication device numeric keypad to illuminate the mobile communication device numeric keypad (see fig. 3 and 4 of Leman).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 11, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,254,249 (Kim et al.) hereinafter "Kim" in view of US 6,161,944 (Leman)

**As to claims 1 and 23,** Kim teaches a mobile communication device comprising:

- a housing (see fig. 7 of Kim);
- a mobile communication device numeric keypad coupled to the housing, the mobile communication device numeric keypad having an external visible portion (see fig. 7 of Kim);
- a light source coupled to the housing, the light source dedicated to direct light substantially directly at the external visible portion of the mobile communication device numeric keypad to illuminate the mobile communication device numeric keypad (see fig. 7 of Kim);
- a first housing (see fig. 3 of Kim);
- a hinge couple to the first housing (18 in fig.3 of Kim);
- a second housing coupled to the hinge (12 in fig. 1 of Kim);
- wherein the mobile communication numeric keypad is coupled to the first housing (20 in fig. 3 of Kim);

Kim does not disclose expressly that the light source is coupled to the second housing (i.e. cover). However, coupling the light source to the second housing would have been an obvious rearrangement of location of parts to one of ordinary skill in the art. As shown in fig. 7, Kim contemplated the idea of directing light substantially at the keypad in order to illuminate the keypad. The location of the light source (within the hinge or the second housing) would have merely been an obvious rearrangement of location of parts (*In re Harza*, 124 U.S.P.Q. 378). The end result would be the same, namely illumination of the keypad.

Moreover, Kim discloses expressly:

First illuminating lamps (14-1, 14-2, 14-3 and 14-4) are respectively arranged at a lower side and both sides of the cover 12 and at a lower corner area of the body 10 for use as memorandum reading lamps. Although the present invention has described a cellular phone with a plurality of illuminating lamps, it should be noted that the present invention is not limited thereto but various changes and modifications can be embodiment to include at least one lamp. (col. 2 lines 36 - 44)

Therefore, Kim contemplated changes and modification to the design.

Lastly, Kim depicts lights arranged on various positions on the phone.

Specifically Kim depicts light sources placed within the second housing (14-1, 14-2 and 14-3 in figs. 1 and 3 of Kim) as claimed by the applicant. Therefore, the invention of Kim was capable of housing light sources within the second housing or cover. Merely shifting the light sources does not constitute novelty (*In re Japikse*, 86 USPQ 70 (CCPA 1950)) and would have been an obvious modification in view of the teachings of Kim. In addition, since Kim disclosed and depicted a plurality of light sources in the second housing, the design and corresponding circuitry to house and power the light sources was already included in the design of Kim. Therefore, Kim had previously contemplated space and power constraints for having light sources in the second housing.

To provide further evidence that light source can be relocated between a first and second housing, Leman is provided. Leman discloses a light source for illuminating the keyboard. The light source can either be placed on the first housing (fig. 1 of Leman) or on the second housing (fig. 3 of Leman). Leman and Kim are analogous art because they are from the same filed of endeavor, namely illumination methods. At the time of the invention it would have been obvious to a person of ordinary skill in the art to couple

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the light source to either the first or second housing in the invention of Kim in view of the teachings of Leman. The motivation for doing so would have been to “provide improved keyboard illumination” (col. 1 lines 20 – 21 of Leman). In addition, having options as to where to couple the light source makes it easier for the designer to “not obstruct normal operation” of the device (col. 3 lines 17 – 19 of Leman).

**As to claims 5 and 26**, Kim teaches a display (50 in fig. 3) coupled to the second housing and a speaker (40 in fig. 3) coupled to the second housing.

**As to claim 11**, Kim has been discussed above. In addition, Kim discloses the mobile communication device further comprising:

- wherein the hinge comprises a hinge section (18) coupled to the first housing, the hinge section including pivot housing. Note, that the pivot housing is inherent to the clamshell type casing.
- wherein the second housing (12) is coupled to the hinge section (18), the second housing including a second housing hinge section (18) including the light source (19), the second housing hinge section configured to expose the light source external to the mobile communication device when the first housing is closed against the second housing (fig. 6).

**As to claim 24**, Kim has been discussed above. See the rationale for the rejection of claims 1 and 11.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,254,249 (Kim et al.) in view of US 6,161,944 (Leman) further in view of US 2002/0177467 (Hsu).

**As to claims 6 and 12**, Kim and Leman have been discussed above. Kim and Leman do not disclose expressly that the light source comprises a laser pointer or one of an incandescent light source and a light emitting diode light source (LED). However, Hsu discloses that a light source within a mobile device may be a bulb, LED, laser beam emitter or other suitable device (Abstract, ¶0003, 0013 of Hsu).

Kim, Leman and Hsu are analogous art because they are directed toward the same problem solving area, namely illuminating in mobile devices. At the time of the invention it would have been obvious to a person ordinary skill in the art to use an incandescent light, LED or laser beam in view of the teachings of Hsu in the mobile communication device of Kim. The motivation for doing so would have been because Kim uses a plurality of "illuminating devices" (14-1, 14-2, 14-3, 14-4, 15 and 19 in figs. 1 – 3). It would have been obvious to use LEDs or incandescent as the illuminating devices since these are the notoriously old and well known light sources. A laser beam would enable a user to use the phone as a pointer (¶0003, 0013, 0014 of Hsu). The configuration of Kim would be perfect for laser beam pointer as shown in fig. 6 of Kim. Therefore, it would have been obvious to combine Hsu with Kim and Leman to obtain the invention as specified in claims 6 and 12.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over 6,254,249 (Kim et al.) in view of US 6,161,944 (Leman) further in view of US 2003/0107554 (Motegi)

**As to claim 9**, Kim and Leman have been discussed above. Kim and Leman do not disclose expressly that the keypad comprises an opaque numeric keypad. However, Motegi discloses an opaque numeric keypad (¶0030 of Motegi).

Motegi, Kim and Leman are analogous art because they are from the same filed of endeavor, namely input devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use an opaque numeric keypad in view of the teachings of Motegi. The motivation for doing so would have been because Kim had to use either a transparent, translucent or opaque keypad. All three types are notoriously old and well known in the art. Almost all ordinary home phones and many mobile phones use opaque keypads. It is a design choice as to which type of keypad is better suited for the design of the phone. Therefore, it would have been obvious to use opaque keypads to obtain the invention as specified in claim 9.

### ***Response to Arguments***

7. Applicant's arguments filed 8/15/06 have been fully considered but they are not persuasive. Applicant's amendments and arguments have been addressed above in the rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511. The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.H.

A.H.

September 13, 2006

  
**WING CHAN**  
**SUPERVISORY PATENT EXAMINER**